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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 KEVIN STERN,
16 Defendant.

CASE NO. 2:21-CR-00021-JAM
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER
COURT: Hon. John A. Mendez

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18 STIPULATION

19 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
20 through defendant's counsel of record, hereby stipulate as follows:

21 1. By previous order, this matter had been set for status hearing on November 18, 2021,
before the Honorable Morrison C. England. Time has previously been excluded until that date.

22 2. On November 9, 2021 Chief District Judge Kimberly Mueller reassigned this case to the
Honorable John A. Mendez and vacated the date previously set for the status hearing.

23 3. By this stipulation, defendant now moves to continue the status conference until February
24 15, 2022, and to exclude time between November 19, 2021, and February 15, 2022, under Local Code
T4.

25 4. The parties agree and stipulate, and request that the Court find the following:

1 a) The government has represented that the discovery associated with this case to date
2 includes more many pages of investigative reports, photographs, affidavits, and other documents;
3 recorded phone calls intercepted pursuant to the Title III wiretap; and other video and audio
4 recordings. Much of this discovery has been produced directly to counsel and/or made available for
5 inspection and copying. Additional discovery is forthcoming.

6 b) Counsel for defendant needs additional time to review the discovery in this case, to
7 conduct independent factual investigation, to research trial and sentencing issues, to consult with the
8 client, and to otherwise prepare.

9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him the reasonable time necessary for effective preparation, taking into
11 account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of November 19, 2021 to February
18 15, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
19 Code T4] because it results from a continuance granted by the Court at defendant's request on
20 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
21 best interest of the public and the defendant in a speedy trial.

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2 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
3 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
4 must commence.

5 IT IS SO STIPULATED.
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8 Dated: November 19, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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10 /s/ ADRIAN T. KINSELLA
11 ADRIAN T. KINSELLA
12 Assistant United States Attorney

13 Dated: November 19, 2021

14 /s/ Olaf W. Hedberg
15 Olaf W. Hedberg
16 Counsel for Defendant
17 Kevin Stern

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ORDER

IT IS SO FOUND AND ORDERED this 19th day of November, 2021.

20 /s/ John A. Mendez
21 THE HONORABLE JOHN A. MENDEZ
22 UNITED STATES DISTRICT COURT JUDGE